



Board of Adjustments Minutes

March 15, 2022 at 05:00 p.m.

Hybrid Meeting
401 S. Park Avenue | In-Person and Virtual | Winter Park, Florida

Call to Order

Vice-Chair Michael Clary called the meeting to order at 5:07 p.m. Present In-Person: Michael Clary, Tom Sims, Ann Higbie, Charles Steinberg. Absent: Robert Trompke, Cathy Sawruk, and Jason Johnson. Also Present: City Attorney J. Giffin Chumley. Staff: Acting Director of Planning and Transportation Jeff Briggs, Senior Planner John Harbilas, Planner I Nicholas Lewis, Planning Technician Aaron Hull, Building and Permitting Director Gary Hiatt, Building and Permitting Manager Renata Minoga, and Recording Secretary Mary Bush.

Consent Agenda

Motion made by Tom Sims, seconded by Ann Higbie to approve the February 15, 2022 meeting minutes.

Motion carried unanimously with a 4-0 vote. (Robert Trompke, Cathy Sawruk, and Jason Johnson were not present for the meeting.)

Vice-Chair Clary explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments, or questions.

Staff Updates

Mr. Briggs informed the Board that the Director of Planning & Transportation, Bronce Stephenson had resigned the prior week and therefore he has been appointed Acting Director of Planning & Transportation until a permanent director is hired.

Citizen Comments (for items not on Agenda)

No one from the public wished to speak. The public hearing was closed.

Non-Action Items

No non-action items.

Action Items

No action items.

Public Hearings

- BOA-2022-0002. Request of Michael Scivally on behalf of the owners, Marshall and Susan Harris, to allow a 14-foot rear yard setback in lieu of the required rear yard setback of 25-feet for corner lots, to convert the existing enclosed patio into enclosed living space for their single-family home located at 2924 Rapidan Trail, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial view of the existing property and pointed out an addition in the rear of the home and a private graveyard located behind the addition. He noted that the graveyard was zoned R-1A and had been designated historic thus making it a graveyard in perpetuity. Mr. Lewis added that neighbor letters have been received in favor of the request and none have been received against it. He also presented a survey of the property noting the 15 foot rear and side setbacks and that the addition was a fully enclosed patio. He then presented the addition's proposed floor plan and elevations and mentioned that its current aluminum construction will be changed to block construction, the existing concrete slab will be used, and a new asphalt-shingle roof will be installed. Mr. Lewis went on to

discuss various photos of the existing conditions that included views of the landscaping and the graveyard on the rear side of the property. He also reviewed the variance approval criteria as it related to the request, noting that the current addition is an existing nonconformity constructed prior to the parcel's annexation into the City in 2002 and does not meet either requirement of Section 58-71(h)(2) of the zoning code pertaining to corner lot setbacks. Mr. Lewis added that the graveyard is zoned R-1A rather than the normal parkland, which provides for a lesser setback requirement.

Staff recommendation was for approval.

The Board inquired about who owns the graveyard, clarification of the hardship, and the necessity of the request if the cemetery was not zoned R-1A.

The applicant's representative, Michael Scivally at 565 Brookside Circle, Maitland, FL 32751 addressed the Board. Mr. Scivally expressed that the applicant's request will make the existing home look much better than it does now and the applicant would appreciate the Board accepting the request. He then briefly spoke on the materials to be used for the addition.

No one from the public wished to speak. The public hearing was closed.

The Board briefly expressed their thoughts on the request. The Board overall agreed with staff's assessment of the four approval criteria being met.

Motion made by Charles Steinberg, seconded by Tom Sims, to allow a 14-foot rear yard setback in lieu of the required rear yard setback of 25-feet for corner lots, to convert the existing enclosed patio into enclosed living space for their single-family home located at 2924 Rapidan Trail, zoned R-1A.

Motion carried with a 4-0 vote. (Robert Trompke, Cathy Sawruk, and Jason Johnson were not present for the meeting.)

Board Comments

No Board comments.

Adjournment

Meeting adjourned at 5:25 p.m.

/s/ Mary Bush.